

## REMARKS/ARGUMENTS

Claims 1-15 are currently pending in the application. Claims 5, 6, 14 and 15 stand rejected. Claims 5 and 6 are canceled. Claims 11, 14 and 15 are amended. Applicant has added new claims 16-24. No new matter has been added. Support for new claims 16-24 can be found at least at paragraphs [100-101] of Applicant's as published application and claims 1-4, 7-11. Accordingly, claims 1-4 and 7-24 remain pending in the application.

### 35 U.S.C. § 101 Rejections

Claims 5, 6, 14 and 15 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, claims 5 and 6 are rejected for reciting a "carrier wave" and as such are nonstatutory natural phenomena. In response, claims 5 and 6 have been canceled.

Claims 14 and 15 are rejected because computer readable is not clearly defined in the specification and the claims to exclude non-transitory media or medium. Applicant has amended claims 14 and 15 to recite, a "storage medium encoded with executable instructions" which is not properly interpreted to include nonstatutory natural phenomena such as the physical characteristics of a form of energy as alleged. Therefore, Applicant's amended claims 14 and 15 are directed to statutory subject matter under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests the rejections of claims 14 and 15 under 35 U.S.C. § 101 be withdrawn.

### Allowable Subject Matter

The Examiner is thanked for the indication that claims 1-4 and 7-13 are allowed.

## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

By:



John J. Ketchum, Reg. No. 61,932  
(858) 651-5723

Dated: February 17, 2010

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-2426  
Facsimile: (858) 658-2502